

May 10, 2010

Hon. Emily Dennis  
General Counsel  
Kentucky Registry of Election Finance  
140 Walnut Street  
Frankfort, KY 40601-3240

RE: Request for Advisory Opinion re non-campaign publicity

Dear Ms. Farmer:

I am writing to request an Advisory Opinion regarding Kentucky election finance law as it pertains to non-campaign publicity during an election cycle. I have spoken with your office on three (3) prior occasions, including a conversation with Ms. Farmer, the Assistance Executive Director, regarding this same issue. On each occasion, I was assured non-campaign related publicity was exempt from Election Finance reporting. The facts I related in my prior telephone conversations and correspondence are as follows:

I am the incumbent County Attorney and am unopposed in my primary and general elections. I have long been a supporter of our local high school athletic teams, band and extracurricular groups. Hence, I routinely give financial contributions to these programs each year. In recognition of the support, the athletic teams display banners which recognize their supporters. The banners have been displayed at sports venues for several years and continue to be displayed for so long as each supporter contributes. My banners at the football and softball stadiums simply read "Compliments of Russ Goff, Green County Attorney, 116 South Main Street, Greensburg, Kentucky (270) 932-3044." I believe that our local high school band provides similar recognition in their event programs for band competitions.

Likewise, I have, for years, sponsored congratulatory pieces in the local newspaper dedicated to recognizing special achievements by local students in athletics, band or other extracurricular activities. The congratulatory pieces in the newspaper always recognize myself (along with the other sponsors) with a space, which reads "compliments of" or "congratulations" from "Russ Goff, Green County Attorney, 116 South Main Street, Greensburg, Kentucky (270) 932-3044." At no time have any of these spaces mentioned or alluded to any election or solicited votes.

Similarly, I have donated to and/or sponsored our local domestic violence shelter, the annual horse show put on by the local chapter of the Veterans of Foreign Wars and our county fair. All of these organizations have recognized, or will recognize, my donation/sponsorship by placing "Russ


Goff, Green County Attorney, 116 South Main Street, Greensburg, Kentucky (270) 932-3044" on either t-shirts or in their printed programs. Again, none of these items make any reference to any election, advocate any candidate, or solicit any vote. The contents of these spaces have remained the same as they have always been, without regard to any pending election. Nevertheless, my usual banners and congratulatory newspaper spaces have continued to date, without change or regard to the 2010 primary election.

I have not reported the aforesaid non-"political advertising" items as political expenditures, as I do not believe that these items are "political advertisements," pursuant to K.R.S. Chapter 121, as they do not advocate the election or defeat of any candidate. I have been advised by your office that my understanding is correct and that no reporting is required. However, I would like to obtain a written Advisory Opinion from your agency confirming same.

Again, I would like to thank you for your time and consideration. I truly appreciate your assistance. Please feel free to contact me at any time with any questions or concerns.

Thanking you very much, I am

Very truly yours,

  
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RUSSELL W. GOFF

cc: Ms. Rhonda K. Farmer, Assistant Executive Director